

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN STATE WATER BOARD & FEDERAL ENERGY REGULATORY COMMISSION



July 23, 2013 – Informational Item #6
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PRESENTATION OVERVIEW

- Background
- MOU
- Comment Summary
- Next Steps
- Overview of Current Projects
- Questions/Comments

Background

- Federal Energy Regulatory Commission (FERC):
 - Responsible for issuing licenses for non-federal hydropower projects
- State Water Board:
 - Responsible for issuing water quality certifications for these hydropower projects
 - Certifications outline conditions to ensure compliance with Clean Water Act and other appropriate requirements of State law
 - Certification becomes part of FERC license

MOU Goals

- Improve coordination
- Provide input to licensing process as early as possible
- Improve timeliness of action (i.e., issuance of certification and associated license)
- Make efficient use of existing staff resources
- Retain independent authority

MOU Overview

- Focus on Pre-Application Activities
 - Pre-application activities occur prior to applicant's submittal of FERC license application and water quality certification application
 - Pre-application activities include:
 - Consultation;
 - Environmental scoping;
 - Study planning; and
 - Commenting on applicant's pre-license proposal

Comments Received

- Draft MOU released for public comment: June 10, 2013
- Comment deadline: July 8, 2013
- Seven Commenters:
 - California Department of Fish and Wildlife
 - California Hydropower Reform Coalition
 - City and County of San Francisco
 - Department of Water and Power, the City of Los Angeles
 - Department of Water Resources
 - National Hydropower Association
 - Pacific Gas and Electric Company

Comments Overview

- Scope and Purpose of MOU
- Deadlines & Timeframes
- Public Participation
- Ex-Parte Communication/Separation of Staff/Intervention
- Environmental Baseline
- Joint Environmental Document Procedures
- Study Plan Disputes
- State Water Board's Authority

Next Steps

- Update and finalize MOU with FERC
- Submit to Executive Director for consideration
- Execute and implement MOU

Status of Some Existing FERC Projects

- Pending Final Certifications
 - DeSabra-Centerville Hydroelectric Project
 - Fire Mountain Lodge Hydroelectric Project
 - Upper American River Project
- Upcoming Certification Amendments
 - Pit 1 Hydroelectric Project
 - Santa Felicia Dam Project
 - Spring Gap-Stanislaus Hydroelectric Project (Pinecrest)

Status of Some Existing FERC Projects

- Upcoming Draft Certifications/CEQA Documents:
 - Big Creek Projects (6)
 - Big Creek Nos. 1 and 2 Hydroelectric Project
 - Big Creek No. 3 Hydroelectric Project
 - Big Creek Project Nos. 2A, 8, and Eastwood
 - Mammoth Pool Hydroelectric Project
 - Portal Hydroelectric Project
 - Vermillion Valley Hydroelectric Project
 - Middle Fork American River Project
 - Poe Hydroelectric Project
 - South Fork Feather River
 - Upper North Fork Feather River Project

Status of Some Existing FERC Projects (cont.)

- Other Active Upcoming Projects
 - Don Pedro Hydroelectric Project
 - Drum-Spaulding Hydroelectric Project
 - Klamath River Hydroelectric Project
 - Lassen Lodge Hydroelectric Project
 - McCloud-Pit Hydroelectric Project
 - Merced River Hydroelectric Project
 - Yuba-Bear Hydroelectric Project
 - Yuba River Project
- Plus Post-Licensing & Non-FERC Projects

Additional Information

- Water Quality Certification Webpage
(Division of Water Rights):

[http://www.waterboards.ca.gov/waterrights/
water_issues/programs/water_quality_cert/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/)

- Program Staff
- Current Projects
- Notices of Water Quality Certification
Applications
- Water Quality Certifications

Future Updates

- To receive future updates sign up to receive emails online at:

http://www.waterboards.ca.gov/resources/email_subscriptions/

- Select “State Water Resources Control Board”
- Enter email address and full name
- Under Categories, select “Water Rights”
- Select box for “Water Rights Water Quality Certification”
- Click “Subscribe” button at top

Questions or Comments

